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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,798	03/25/2004	Yozo Kobayashi	04188/LH	6034

1933 7590 12/15/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
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NEW YORK, NY 10017-2023

EXAMINER
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FEIGGINS, KRISTAL J

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/808,798	KOBAYASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	K. Feggins	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-23, 27-30 is/are rejected.
- 7) ☒ Claim(s) 9-12 and 24-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/2/2005</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 13-23, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Funayama et al. (US 6,593,952 B1).

**Funayama et al. disclose the following claimed limitations:**

- \* regarding claim 1, a printer (Abs., fig 3),
- \* a printing section with a print head (figs 1-3);
- \* a holder/cartridge/ which holds a consumable/ribbon/ consumed during printing operation of the printing section, the consumable bearing an RFID tag storing specification data of the consumable (fig 15);
- \* a wireless receiver which performs data communication with the RFID tag (fig 15);
- \* means for controlling the printing section based on the data obtained from the RFID tag through the data communication (fig 15).

\* regarding claims 2 & 17, wherein the holder holds a heat-sensitive paper as a consumable (col 6, lines 45-65, fig 3).

\* regarding claims 3 & 18, wherein the holder/cartridge/ holds an ink ribbon as a consumable (fig 4)

\* regarding claims 4 & 19, wherein the holder/paper tray/ holds a label paper as a consumable (fig 3).

\* regarding claims 5-8, further comprising a sensor which detects the temperature of the print head, wherein the data stores a pulse width of electrical energy to the print head for each temperature range, and wherein the printing section is controlled with the pulse width of electrical energy retrieved from the data according to the temperature detected by the sensor (col 10, lines 23-35).

\* regarding claims 13 & 14, further comprising a memory for storing a pulse width/signal data/ of electrical energy specified according the type of ink ribbon, wherein the data stores the type of ink ribbon, wherein the printing section is controlled with the pulse width of electrical energy retrieved from the memory according to the type of ink ribbon retrieved from the data (col 9, lines 55-67, col 10, lines 1-23).

\* regarding claim 15, further comprising a memory for storing a pulse width /signal data/ of electrical energy specified according the combination of the type of ink ribbon and the type of label paper, wherein the data stores the type of ink ribbon and the type of label paper, and wherein the printing section is controlled with the pulse width of electrical energy retrieved from the memory according to the type of ink ribbon retrieved from the data (col 9, lines 55-67, col 10, lines 1-23).

\* regarding claim 16, a consumable/ribbon/ (figs 4, 15);

\* a consumable section consumed while a printer including a printing section with a print head performs printing (fig 15);

\* an RFID tag which stores specification data of the consumable section (figs 4, 15, col 9, lines 55-67, col 10, lines 1-23).

\* regarding claims 20-23, wherein the data stores a pulse width of electrical energy to the print head for each temperature range (col 10, lines 23-35).

\* regarding claim 28, wherein the data stores the type of ink ribbon (col 9, lines 55-67, col 10, lines 1-23).

\* regarding claim 29, wherein the data stores the type of ink ribbon (col 9, lines 55-67, col 10, lines 1-23).

\* regarding claim 30, wherein the data stores the type of ink ribbon and the type of label paper (col 9, lines 55-67, col 10, lines 1-23).

***Allowable Subject Matter***

3. Claims 9-12 & 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for allowance of claims 9-12 is the inclusion of the limitations of a printer that includes the data stores a pulse width of electrical energy to the print head for each printing speed defined for each temperature range, and wherein the printing section is controlled with the pulse width of electrical energy retrieved from the data according to the printing speed of the printing section. It is these limitations found in the claims, as it is claimed in the combination of that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for allowance of claims 24-27 is the inclusion of the limitations of a printer that includes wherein the data stores a pulse width of electrical energy to the print head for each printing speed specified for each temperature range. It is this limitation found in the claims, as it is claimed in the combination of that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

### Communication With The USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*K. Feggins* 12/05  
K. FEGGINS  
PRIMARY EXAMINER